IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL REVISION PETITION NO. 1122/2006
(Smt. Anshi Devi Vs. State of Rajasthan & Ors.)

Date of Order : 24/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. M.K.Garg for the petitioner.
Mr. V.R.Mehta P.P. for the State.
Mr. Hemant on behalf of
Mr. Rakesh Arora for the respondents No. 2 to 4.

BY THE COURT:-

This criminal revision petition under Section 397 r/w Section 401 Cr. P.C. is directed against the judgment and order dated 3.11.2006 passed by Chief Judicial Magistrate, Jalore (for short 'the trial court' hereinafter) in Criminal Case No. 53/05 whereby the trial court convicted the respondents No. 2 to 4 for the offences under Sections 451 and 323 IPC, however, instead of sentencing them at once to any sentence of imprisonment, they were released on Probation under Section 4 (1) of the Probation of Offenders Act, 1958 (for short 'the Act' hereinafter)

and directed to be released provided each of them furnishes a personal bond in the sum of Rs.2000/- with one surety of like amount to maintain peace and tranquillity and be of good behaviour for a period of one year and shall not repeat such offences and shall appear and receive the sentence when called upon to do so during such period. The complainant seeks enhancement of the sentence.

I have heard learned counsel for the parties. Perused the judgment and order impugned as also the record of the trial court.

In my view, the trial court was justified in extending the benefit of the Act keeping in view the nature of the offenes. The trial court also directed each of the accused respondents to deposit Rs. 300/- as prosecution expenses under Section 5 of the Act.

Learned counsel for the petitioner submits that injured petitioner has suffered as many as seven injuries at the hands of the accused respondents. Though on being examined by the Radiologist, there was no bony injury, however, looking to the nature of the injuries and the period of treatment undertaken by the petitioner complainant, while extending the benefit under Section 4 (1) of the Act, the trial court ought to have taken care of the injuries suffered by the victim of the case and under Section 5 of the Act a reasonable compensation ought to have

been granted.

Keeping in view the facts and circumstances of the case, in my view, the injured petitioner is entitled for compensation under Section 5 of the Act.

In the result, while maintaining the order impugned to the extent of convicting the respondents No. 2 to 4 and releasing them on probation under Section 4 (1) of the Act with direction to furnish the bail bonds, it is directed that each of the accused respondents shall deposit a sum of Rs. 3000/- each as compensation totalling to Rs. 9000/- before the trial court within a period of three months and on such deposit, a sum of Rs. 9000/- be paid to the injured petitioner Smt. Anshi Devi as compensation.

With this modification, the revision petition stands disposed of.

(H.R.PANWAR),J.

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